

# MEMO ENDORSED

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August 16, 2021

**Via ECF**

Hon. Edgardo Ramos  
United States District Court  
Southern District of New York  
40 Foley Street  
New York, NY 10007

**Re: Kathryn Shiber v. Centerview Partners LLC  
1:21-cv-03649-ER**

Dear Judge Ramos:

We represent Plaintiff Kathryn Shiber (“Shiber”) in the above-referenced matter. We write to respectfully request leave to file a Second Amended Complaint to assert claims under the Americans with Disabilities Act (“ADA”). Defendant Centerview Partners LLC (“Centerview”) consents to this request and joins with us in proposing the below briefing schedule.

On April 23, 2021, Shiber filed a complaint against Centerview asserting various claims under the New York City Human Rights Law (“NYCHRL”). In a letter to the Court dated June 7, 2021, Centerview requested a pre-motion conference and stated its intention to file a motion to dismiss Shiber’s complaint based on its claim that Shiber was not a New York City employee when Centerview employed her. To address Centerview’s argument Shiber filed a Charge with the EEOC on June 23, 2021, alleging disability discrimination and related claims pursuant to the ADA. The Court held a pre-motion conference on July 2, 2021, during which the Court set a briefing schedule for Centerview’s motion. Centerview moved to dismiss Shiber’s claims on July 9, 2021.

On July 23, 2021, Shiber filed an Amended Complaint, which contained additional allegations supporting her claim that Centerview violated her rights under the NYCHRL as well as claims against Centerview pursuant to the New York State Human Rights Laws (“NYSHRL”) and the New Jersey Law Against Discrimination. In a letter to the Court dated August 6, 2021, Centerview indicated its intention to file a motion to dismiss Shiber’s NYCHRL and NYSHRL claims. Pursuant to a Memo Endorsement on August 9, 2021, the Court set a briefing schedule in which Centerview’s motion is due August 30, 2021. On August 5, 2021, Shiber received a “right to sue” letter from the EEOC which provided her with 90 days to commence a lawsuit.

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Accordingly, Shiber seeks leave to assert federal claims under the ADA against Centerview in a Second Amended Complaint, in addition to the other previously pled claims. Shiber has conferred with counsel for Centerview, which consents to the request solely with respect to the assertion of the ADA claim, without waiving any rights related thereto. Centerview does not consent to the reassertion of Ms. Shiber's claims under the New York City and New York State Human Rights Laws.

Should Court permit Shiber to file a Second Amended Complaint, the parties respectfully request that she be permitted to do so before the deadline the Court set for Centerview to file its motion to dismiss the Amended Complaint. The parties further request that the Second Amended Complaint be the operative pleading for Centerview's motion. Accordingly, the parties propose the following schedule:

- Shiber files a Second Amended Complaint by August 23, 2021
- Centerview files its motion to dismiss by September 27, 2021
- Shiber files her opposition to that motion to dismiss October 18, 2021
- Centerview files its reply by October 25, 2021

We thank the Court for its consideration of this matter.

Respectfully submitted,

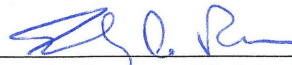


BRIAN HELLER

cc: James Valentino, Esq. – via ECF  
Jennifer J. Barrett, Esq. – via ECF

Granted. Plaintiff's deadline to file the Second Amended Complaint is August 23, 2021. Defendant's deadline to file a motion to dismiss is September 27, 2021; Plaintiff's opposition is due October 18, 2021, and Defendant's reply is due October 25, 2021. The Clerk of Court is respectfully directed to terminate the motions. Docs. 16 and 21.

So ordered.



Edgardo Ramos, U.S.D.J

Dated: 8/16/2021

New York, New York